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5 Attorneys for Plaintiff  
6 NETFLIX, INC.

7 UNITED STATES DISTRICT COURT  
8  
9 NORTHERN DISTRICT OF CALIFORNIA

10 NETFLIX, INC., a Delaware corporation,  
11  
12 Plaintiff,

13 v.

14 BLOCKBUSTER, INC., a Delaware  
corporation, DOES 1-50,  
15 Defendant.

16 AND RELATED COUNTERCLAIMS  
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Case No. C 06 2361 WHA (JCS)

**AMENDED NOTICE OF DEPOSITION  
OF SHANE EVANGELIST**

Date: April 13, 2007  
Time: 9:30 am  
Place: Figari & Davenport, LLP  
3400 Bank of America Plaza  
901 Main Street  
Dallas, Texas 75202

Complaint filed: April 4, 2006

**TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, Plaintiff, Netflix, Inc. ("Netflix"), by and through its attorneys, will take the deposition of Shane Evangelist, beginning at 9:30 a.m. on April 13, 2007 and continuing from day to day until completed, except for weekends and holidays. Such deposition will take place at the offices of Figari & Davenport, LLP, located at 3400 Bank of America Plaza, 901 Main Street, Dallas, Texas 75202, telephone (214) 939-2000 or such other time and place as may be mutually agreed upon by counsel.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Federal Rule of Civil Procedure 30(b)(2), the deposition will be taken before a notary public or other officer authorized by the law to administer oaths and will be recorded both stenographically and by sound-and-visual means (i.e., by videotape). Furthermore, provision will be made for real-time monitoring using LiveNote™ or similar means. Netflix reserves the right to use these recordings at the time of trial.

Dated: March 28, 2007

KEKER & VAN NEST, LLP

By: 

KEVIN T. REED  
Attorneys for Plaintiff  
NETFLIX, INC.

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**PROOF OF SERVICE**

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Keker & Van Nest, LLP, 710 Sansome Street, San Francisco, California 94111.

On March 28, 2007, I served the following document(s):

**AMENDED NOTICE OF DEPOSITION OF SHANE EVANGELIST**

☒ by regular **UNITED STATES MAIL** by placing a true and correct copy in a sealed envelope addressed as shown below. I am readily familiar with the practice of Keker & Van Nest, LLP for collection and processing of correspondence for mailing. According to that practice, items are deposited with the United States Postal Service at San Francisco, California on that same day with postage thereon fully prepaid. I am aware that, on motion of the party served, service is presumed invalid if the postal cancellation date or the postage meter date is more than one day after the date of deposit for mailing stated in this affidavit.

William J. O'Brien, Esq.  
Alschuler Grossman LLP  
1620 26<sup>th</sup> Street, 4<sup>th</sup> Floor, North Tower  
Santa Monica, CA 90404-4060

Executed on March 28, 2007, at San Francisco, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

  
DIANE BLAIS MILLER